

NOTICE OF OBJECTION TO CONFIRMATION

WELLS FARGO BANK, NA has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054

ALBERT RUSSO
STANDING CHAPTER 13 TRUSTEE
CN 4853
TRENTON, NJ 08650-4853

Attend the hearing scheduled to be held on 03/21/2018 in the TRENTON Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: February 6, 2018

/s/ Nicholas V. Rogers

Nicholas V. Rogers, Esq.

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road, Suite 100

Mt. Laurel, NJ 08054

Tel: 856-813-5500 Ext. 42689

Fax: 856-813-5501

Email: nicholas.rogers@phelanhallinan.com

File No. 804718

Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road
Mt. Laurel, NJ 08054
856-813-5500
FAX Number 856-813-5501
WELLS FARGO BANK, NA

In Re:
DANE RICHARDS, SR.

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE

Chapter 13

Case No. 18-11152 - CMG

Hearing Date: 03/21/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, WELLS FARGO BANK, NA, the holder of a Mortgage on Debtor's residence located at 112 BROAD STREET, EATONTOWN, NJ 07724, hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Secured Creditor is WELLS FARGO BANK, NA.
2. Debtor, DANE RICHARDS, SR., is an owner of the property located at 112 BROAD STREET, EATONTOWN, NJ 07724.
3. Secured Creditor is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$55,840.13.
4. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
5. Debtor's Plan currently provides for no payment to Secured Creditor. Debtor's Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
6. Secured Creditor objects to Debtor's Plan as the Plan needs to fund the arrears owed to Secured Creditor during the term of the Plan rather than rely on speculation that is based

on the possibility of a loan modification that has neither been offered nor approved. Absent a modification by the Debtor, confirmation of the Debtor's proposed Plan should be denied.

7. Additionally, Debtor's Plan fails to provide for the full monthly post-petition payment owed to Secured Creditor under the terms of the Note and Mortgage. Secured Creditor objects to any post-petition payment amount less than the full amount required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, WELLS FARGO BANK, NA respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Nicholas V. Rogers
Nicholas V. Rogers, Esq.
Phelan Hallinan Diamond & Jones, PC
400 Fellowship Road, Suite 100
Mt. Laurel, NJ 08054
Tel: 856-813-5500 Ext. 42689
Fax: 856-813-5501
Email: nicholas.rogers@phelanhallinan.com

Dated: February 6, 2018

UNITED STATES BANKRUPTCY COURT <u>DISTRICT OF NEW JERSEY</u>	
Caption in Compliance with D.N.J. LBR 9004-1(b)	
804718 Phelan Hallinan Diamond & Jones, PC 400 Fellowship Road, Suite 100 Mt. Laurel, NJ 08054 856-813-5500 Attorneys for WELLS FARGO BANK, NA	
In Re: DANE RICHARDS, SR.	Case No: 18-11152 - CMG Hearing Date: 03/21/2018 Judge: CHRISTINE M. GRAVELLE Chapter: 13

CERTIFICATION OF SERVICE

1. I, Marc Schroeder:

- represent the _____ in the above-captioned matter.
- am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents WELLS FARGO BANK, NA in the above captioned matter.
- am the _____ in the above case and am representing myself.

2. On February 6, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: February 6, 2018

/s/ Marc Schroeder
Marc Schroeder

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
DANE RICHARDS, SR. 112 BROAD STREET EATONTOWN, NJ 07724	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ <small>(as authorized by the court *)</small>
CHRISTINE E RICHARDS 112 BROAD STREET EATONTOWN, NJ 07724	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ <small>(as authorized by the court *)</small>
JOSEPH CASELLO , ESQUIRE 2317 ROUTE 34 SOUTH SUITE 1A MANASQUAN, NJ 08736	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ <small>(as authorized by the court *)</small>
ALBERT RUSSO STANDING CHAPTER 13 TRUSTEE CN 4853 TRENTON, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ <small>(as authorized by the court *)</small>
U.S. TRUSTEE US DEPT OF JUSTICE OFFICE OF THE US TRUSTEE ONE NEWARK CENTER STE 2100	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail

NEWARK, NJ 07102	<input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.